

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

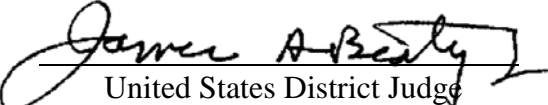
PABLO GUTIERREZ BENTIEZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:05CV780
	)	
SUPERINTENDENT LAFAYETTE HALL)	)	
	)	
Respondent.	)	

**J-U-D-G-M-E-N-T**

On September 15, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED AND ADJUDGED** that this action be, and is hereby, dismissed without prejudice to Petitioner filing a new petition in the proper district.

  
United States District Judge

DATE: November 28, 2005